

REMARKS

Claims 1-9, 12-26, and 36 are pending in the present Application. Claims 12 and 25 have been canceled, and claims 1, 20, 21, 26 and 36 have been amended, leaving Claims 1-9, 13-24, 26 and 36 for consideration upon entry of the present Amendment.

Claim 1 has been amended to specifically claim that the concentrate is a solid prior to melt mixing and to specify the amount of poly(arylene ether) present in the concentrate. Support for these amendments can at least be found in Claims 8, 9, and 12 as originally filed as well as in Paragraphs [0008], [0009], and [0021] as originally filed.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-7, 9, 12, 14, 16, 17 and 20-26 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over United States Patent No.6,946,084 to Nakagawa, et al. (Nakagawa) in view of United States Patent No.5,270,386 to Laughner. Applicants respectfully traverse this rejection.

Nakagawa discloses a composition comprising a polyamide, a polyphenylene ether, and a block copolymer (Abstract). The composition can further comprise additive components such as other thermoplastic resins, fillers and the like (col. 12, lines 23-46). Beginning at col. 12, line 47 and continuing to col. 13, line 35 Nakagawa discloses methods for forming the described composition. Nakagawa indicates several orders of addition for the primary components but never teaches forming a concentrate that is a solid prior to melt mixing. The Examiner has cited Laughner for teaching the addition of glass to the composition of Nakagawa but Applicants respectfully assert that the combination of references does not render the pending claims obvious. For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988)

Even if glass were added to the composition of Nakagawa Applicants respectfully note that Nakagawa still fails to teach or suggest forming a solid concentrate prior to the addition of the glass and additionally both references fail to teach using a solid concentrate that comprises 50 to 99 weight percent poly(arylene ether) based on the total weight of the concentrate to form a composition having greater than or equal to 34 weight percent poly(arylene ether).

Claims 1-9, 12, 15-17, 20-26 and 36 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over United States Patent No.6,822,026 to Jung, et al. (Jung) in view of Laughner. Applicants respectfully traverse this rejection.

Jung discloses a composition comprising polypropylene, polyphenylene ether, hydrogenated block copolymer, an aromatic phosphoric ester, a polyammonium phosphate, and a pentaerythritol flame retardant auxiliary. At col. 5, line 61 to col. 6, line 5 Jung discloses that the composition is formed by dry mixing the previously listed ingredients and then melt mixing the resulting dry mix. Jung does not teach or suggest a solid concentrate since Jung discloses dry blending all the components of the composition prior to melt mixing. At best Jung can be interpreted as disclosing forming the composition in melt in a single melt mixing operation instead of employing a solid concentrate as is instantly claimed. Thus, similar to the argument presented above with regard to Nakagawa, both references fail to teach using a solid concentrate that comprises 50 to 99 weight percent poly(arylene ether) based on the total weight of the concentrate to form a composition having greater than or equal to 34 weight percent poly(arylene ether).

Claims 1-9, 12-26, and stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over United States Patent No.6,258,879 to Adedeji, et al. (Adedeji) with or without Laughner. Applicants respectfully traverse this rejection.

Adedeji teaches a process for making a composition comprising preparing a concentrate of polyphenylene ether with an organic phosphate compound (col. 2, lines 8-10). The description of the concentrate does not indicate the presence of other components and as such Adedeji cannot be said to teach a concentrate comprising a second thermoplastic. The Examiner has pointed to col. 6, lines 52-55 for teaching pre-compounding as a mixing method. In particular, Adedeji states "certain additives may be pre-compounded with each

other as in the case of the concentrates of the present disclosure”. Accordingly, Adedeji’s disclosure at col. 6, lines 52-55 is consistent with the disclosure at col. 2, lines 8-10 and only explicitly refers to a concentrate of polyphenylene ether and organic phosphate compound. While Adedeji may imply that other additives may be added as a concentrate Adedeji does not teach or suggest a concentrate comprising poly(arylene ether), a second thermoplastic and an additive as is claimed in the pending application. Thus, similar to the argument presented above with regard to Nakagawa and Jung, both references fail to teach using a solid concentrate that comprises 50 to 99 weight percent poly(arylene ether) based on the total weight of the concentrate and a second thermoplastic to form a composition having greater than or equal to 34 weight percent poly(arylene ether).

Furthermore Applicants note that most thermoplastics experience a diminishment in desired properties after every heat history (a heat history is the attainment of a molten condition). Therefore it is counter intuitive to form a concentrate of not just one, but two thermoplastics due to the expected negative effect on physical properties. As shown in the examples compositions in which not only the poly(arylene ether) but also a significant portion of the total amount of high impact polystyrene was subjected to three heat histories (forming the concentrate, forming the composition, and molding) still exhibited good physical properties.

Reconsideration and withdrawal of these rejections are respectfully requested.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 50-1131.

Respectfully submitted,

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